

EXHIBIT 23

1 Volume I

Pages: 1 - 242

2 Exhibits: 1 - 27

3 UNITED STATES DISTRICT COURT

4 DISTRICT OF MASSACHUSETTS

5 No. 04-CV-11948-RGS

6 SEYED MOHSEN HOSSEINI-SEDEHY,

7 Plaintiff

8 vs.

9 ERIN T. WITHINGTON and the CITY

10 OF BOSTON,

11 Defendants

12
13 DEPOSITION OF ERIN T. WITHINGTON

14 Thursday, March 31, 2005

15 10:00 a.m. - 4:32 p.m.

16 SMITH & DUGGAN LLP

17 55 Old Bedford Road

18 Lincoln, Massachusetts 01773-1125

19
20
21
22 FARMER ARSENAULT BROCK LLC

23 617.790.4404 FAX 617.728.4403

24 Reporter: Cynthia C. Henderson/RPR

Erin T. Withington - March 31, 2005

| | |
|--|--|
| <p>146</p> <p>1 A. We don't often get it, yes.</p> <p>2 Q. As a matter of fact, you have never gotten</p> <p>3 it?</p> <p>4 A. I don't think so. I wouldn't say a hundred</p> <p>5 percent.</p> <p>6 Q. But you have never heard of it?</p> <p>7 A. I have never had it personally.</p> <p>8 Q. Detective Lembo has never heard of it;</p> <p>9 right?</p> <p>10 MS. AMBARIK: Objection.</p> <p>11 Q. As far as he was speaking to you.</p> <p>12 A. He never mentioned it to me that he had a</p> <p>13 case like that, so I don't know.</p> <p>14 Q. And Detective Barry certainly hasn't</p> <p>15 mentioned that she had a similar case; correct?</p> <p>16 A. She didn't mention it to me.</p> <p>17 Q. You had mentioned you had about two hundred</p> <p>18 other child abuse investigations.</p> <p>19 A. Yes.</p> <p>20 Q. Where did this investigation rank on your</p> <p>21 order of priorities?</p> <p>22 A. Like I said, I didn't think Mr. Bavis was</p> <p>23 in any imminent danger. It was Christmas, I was</p> <p>24 going on time off for Christmas, I didn't think</p> | <p>148</p> <p>1 Q. What was the next thing you wanted to do?</p> <p>2 A. Speak with Mr. Hosseini.</p> <p>3 Q. Why did you call the Hynes then?</p> <p>4 A. Because it took place in the Hynes</p> <p>5 Auditorium, as a matter of courtesy to let them know</p> <p>6 that the Boston police are in there and are</p> <p>7 investigating a case within their building.</p> <p>8 Q. And when did you make that call?</p> <p>9 A. Maybe a couple of days, either maybe the</p> <p>10 next day or after Christmas, but it wasn't the same</p> <p>11 day.</p> <p>12 Q. And you wanted to talk with that lawyer</p> <p>13 from Hynes because you wanted to ask if Hynes needed</p> <p>14 to be present for any interviews?</p> <p>15 A. Correct.</p> <p>16 Q. Right?</p> <p>17 A. Yes.</p> <p>18 Q. And you contacted the Hynes before you</p> <p>19 contacted Mr. Hosseini; right?</p> <p>20 A. No. I believe I left a message on the cell</p> <p>21 phone number I was given for Mr. Hosseini first.</p> <p>22 Q. Your intent was to contact the Hynes and</p> <p>23 see if they wanted to be involved in the interview?</p> <p>24 A. Just to let them know that there was an</p> |
| <p>147</p> <p>1 either one of them was in any bodily danger so, no,</p> <p>2 it wasn't very high at that point.</p> <p>3 Q. In fact, what you wanted to do was after</p> <p>4 speaking with Mr. Hosseini give it to the D.A. to</p> <p>5 make a decision on; correct?</p> <p>6 A. Yes.</p> <p>7 Q. You didn't think making an arrest was an</p> <p>8 appropriate decision before March 22nd, 2004;</p> <p>9 correct?</p> <p>10 MS. AMBARIK: Objection.</p> <p>11 A. Correct.</p> <p>12 Q. You didn't think that making an arrest on</p> <p>13 Mr. Hosseini was what you wanted to do in the course</p> <p>14 of your investigation before March 22nd, 2004?</p> <p>15 A. Correct. I didn't think it was necessary.</p> <p>16 Q. Now, after you talked with Bavis and Perry,</p> <p>17 Joe Perry, on the 22nd of December, the next thing</p> <p>18 you wanted to do was call the Hynes' lawyer;</p> <p>19 correct.</p> <p>20 A. Right after they left?</p> <p>21 Q. Whenever. The next step in your</p> <p>22 investigation, whenever you got to it, was to call</p> <p>23 the Hynes, let them know "I have got this case"?</p> <p>24 A. No.</p> | <p>149</p> <p>1 investigation, that an incident took place within</p> <p>2 their building.</p> <p>3 Q. And the Hynes lawyer gave you GES's number</p> <p>4 because he said this was not a Hynes matter, it was</p> <p>5 a GES matter; correct?</p> <p>6 A. He basically said that they appreciated the</p> <p>7 information but they didn't need to be present,</p> <p>8 which was fine.</p> <p>9 Q. Now, after you had come back from</p> <p>10 disability leave you got to speak with</p> <p>11 Mr. Hosseini. Was it the same day that you got</p> <p>12 back?</p> <p>13 A. I believe it was, yes.</p> <p>14 Q. The very same day you got back from</p> <p>15 disability leave you contacted Mr. Hosseini, did you</p> <p>16 not?</p> <p>17 A. Yes.</p> <p>18 Q. And he agreed to come down that very day to</p> <p>19 speak with you about these allegations?</p> <p>20 A. Was it that day?</p> <p>21 Q. I am asking you if your memory at this time</p> <p>22 was that it was that day.</p> <p>23 A. That exact date or the next day,</p> <p>24 but -- I don't remember, but it was very shortly.</p> |